

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Case No. 16-cv-13540
Hon. Gershwin A. Drain

Plaintiff,

v.

GREEKTOWN CASINO LLC,

Defendant.

CONSENT DECREE

The United States Equal Employment Opportunity Commission (“Commission” or “EEOC”) filed this action against Greektown Casino, LLC (hereinafter “Greektown”) to enforce the Americans with Disabilities Act of 1990, 42 U.S.C. § 12112(a) (“ADA”). The EEOC alleged that Greektown violated the ADA by denying Michael Lepine an accommodation and discharging him because of his disability in violation of the ADA.

The Commission and Greektown agree that this action should be resolved by entry of this Decree. The parties do not object to the Court’s jurisdiction over this action and waive their right to a hearing and the entry of findings of fact and conclusions of law. The Court hereby finds, based on the pleadings and the record

as a whole, that: (1) the Court has jurisdiction over the parties and the subject matter of this action; (2) implementation of this Decree will advance the purposes and provisions of the ADA; and (3) this Consent Decree resolves all matters and claims in controversy in this lawsuit as provided in paragraphs 1 through 20 below. Therefore, it is hereby ORDERED, ADJUDGED AND DECREED:

INJUNCTION

1. Greektown and its officers, agents, employees and successors shall not fail to make reasonable accommodations to the known physical or mental limitations of otherwise qualified individuals with disabilities who are applicants or employees, unless it can demonstrate that such an accommodation would impose an undue hardship on the operation of the business.
2. Greektown and its officers, agents, employees and successors shall not unlawfully discriminate against qualified individuals on the basis of disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.
3. Greektown and its officers, agents, employees, and successors are enjoined from retaliating against any employee because s/he: (i) opposes discriminatory practices made unlawful by the ADA; (ii) files a charge of discrimination or assists or participates in the filing of such a charge; or (iii) assists or participates in an

investigation or proceeding brought under the Federal laws prohibiting discrimination or retaliation.

MONETARY RELIEF

4. Within fourteen (14) days of entry of the Decree and receipt of the address referenced below, Greektown will pay monetary relief to Michael Lepine in the gross amount of \$140,000.00. This amount represents back pay. Greektown shall make a check for \$140,000, less applicable taxes and withholdings. Greektown will not deduct from any amount the employer's share of any costs, taxes or social security required by law to be paid by Greektown. This check shall be made payable to Michael Lepine and mailed to him at an address to be provided to Greektown's counsel.

5. Within **five (5)** days after this check has been mailed to Lepine, Greektown shall mail a copy of the check to Kenneth Bird, Regional Attorney, care of Dale Price, Trial Attorney, EEOC, 477 Michigan Avenue, Room 865, Detroit, Michigan 48226.

CORRECTIVE POLICIES AND PRACTICES

6. Greektown shall post the Notice (attached as Attachment A) in the same type, style, and size for the duration of this Decree, in a conspicuous place where employee notices are posted, along with a copy of Greektown's Policies and Procedures discussed below.

7. Within twelve (12) months of the effective date of this Decree, Greektown shall train all Executives, Human Resources professionals, Management and Supervisory personnel on disability discrimination, including the ADA's prohibition on retaliation and the Company's duty to provide reasonable accommodations, in accordance with the following:

A. The trainer shall conduct one live training session of no less than **two (2)** hours, plus adequate time for questions and answers. All employees shall register when they attend the training, and Greektown shall retain the registry for the duration of this Decree and forward a copy of all attendees to Kenneth Bird, Regional Attorney, care of Dale Price, Trial Attorney, EEOC, 477 Michigan Avenue, Room 865, Detroit, Michigan 48226 or by email to the following account: legaldt@eeoc.gov.

B. At least sixty (60) days prior to the live training, Greektown shall submit to the EEOC the name(s), address(es), telephone number(s), and resume(s) of the proposed trainer(s), the training dates, and an outline of the training contents, to the Commission's Regional Attorney at the address listed above. The Commission may provide reasonable input into the training proposed by Greektown no later than 20 days prior to the training.

C. A Commission representative may, with reasonable notice, attend the

training.

8. For the duration of this Decree, Greektown shall maintain its policies concerning disability discrimination. The policies shall remain available to each current employee and shall be distributed to each new employee when hired.

Nothing in this Decree prevents Greektown from implementing new policies with substantively similar or more protective provisions concerning disability discrimination.

REPORTING BY GREEKTOWN AND ACCESS BY EEOC

9. Greektown shall submit the following in writing to the Commission's Regional Attorney at the address provided above:

A. Within ninety (90) days of the training referenced in Paragraph 7 above, the registry of persons attending the training and a list of current Executive, Human Resources, Management and Supervisory personnel employed by Greektown on the day of training.

B. Greektown hereby confirms that the documents provided in Response No. 2 to Defendant's Response to Plaintiff's First Request for Production of Documents, including Bates Nos. 491-501 and portions of Bates Nos. 400-460, reflect the policies and procedures currently in effect as referenced in Paragraph 8 above. Greektown shall send a copy of its 2018 revisions to its

current ADA policies and procedures to the Commission within 90 days of promulgation.

C. Confirmation that the Notice required in Paragraph 6 above was posted, and the locations where it was posted.

10. The Commission shall have the right during regular business hours, hereby defined as Monday through Friday 9:00 am – 5:00 pm EST, to enter and inspect Greektown's premises to ensure compliance with this Decree.

COSTS AND DURATION

11. Each party shall bear its costs and attorney's fees incurred as a result of this action.

12. Absent extension, this Decree shall expire by its own terms at the end of **two (2)** years without further action by the Parties.

PENALTIES FOR NON-COMPLIANCE

13. This Court shall retain jurisdiction over this action for the duration of the Decree. During this time, the EEOC may petition this Court to order Greektown to comply with the Decree. Should the Court determine that Greektown has not complied, the Court may order appropriate relief including extension of the Decree for the time necessary to remedy non-compliance, award of attorney's fees and costs, and fines for contempt of court.

14. If Greektown fails to comply with any provision of this Decree, it shall have

ten days to cure its non-compliance.

15. In the event Greektown does not comply with any provision of this Decree, and the Commission petitions the Court to order Greektown to comply, the Court may order Greektown to pay all attorney's fees and costs incurred by the Commission to enforce the Decree.

MISCELLANEOUS

16. If any provision of this Decree is found to be unenforceable by a Court, only the specific provision in question shall be affected and the other enforceable provisions shall remain in full force.

17. Any modification to this Decree can only be made by the Court.

18. The terms of this Consent Decree are and shall be binding upon the present and future owners, officers, directors, employees, creditors, agents, trustees, administrators, successors, representatives, and assigns of Greektown.

19. Prior to selling all or substantially all of its assets to another person or entity during the duration of this Decree, Greektown shall inform the person or entity of this Decree and provide the person or entity with a copy of the Decree.

20. The Court will retain jurisdiction of this case for **two (2)** years for purposes of monitoring compliance with the Decree and entry of such further orders or modifications as may be necessary or appropriate.

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION**

/s/ Dale Price
DALE PRICE (P55578)
Trial Attorney
DETROIT FIELD OFFICE
Patrick V. McNamara Federal Building
477 Michigan Ave, Room 865
Detroit, Michigan 48226
(313) 226-7808
dale.price@eeoc.gov

Dated: December 22, 2017

GREEKTOWN CASINO LLC

By: JACK Entertainment LLC
Its authorized agent

/s/ Glen Tomaszewski (by DP w/ perm.)
Glen Tomaszewski
Executive Vice President and Chief
Financial Officer
580 Monroe Ave.
Detroit, MI 48226
c/o (313) 309-7484
c/o stacyjitianu@jackentertainment.com

Dated: January 12, 2018

IT IS SO ORDERED:

January 23, 2018

S/Gershwin A. Drain
Hon. Gershwin A. Drain
United States District Judge

APPENDIX A

EMPLOYEE NOTICE

NOTICE OF NON-DISCRIMINATION POLICY

Federal law requires that there be no discrimination against any employee or applicant for employment because of the employee's race, color, religion, sex, national origin, age (over 40) or disability.

The federal Americans with Disabilities Act also prohibits employers from discriminating on the basis of disability in aspects of employment, including, but not limited to, hiring, promotion, discharge, pay, job training and fringe benefits. That Act also requires employers to provide a reasonable accommodation to employees with disabilities to enable them to do their jobs.

Greektown supports and will comply with such federal law in all respects and will not take any actions against employees because they have exercised their rights, reported an alleged violation under the law or have given testimony, assistance or participation in any investigation, proceeding or hearing conducted by the U.S. Equal Employment Opportunity Commission.

An employee has the right, and is encouraged to exercise that right, to report allegations of employment discrimination in the workplace. An employee may contact the U. S. Equal Employment Opportunity Commission for the purpose of filing a charge of employment discrimination.

Questions concerning this notice may be addressed to:

**Equal Employment Opportunity Commission
477 Michigan Avenue, Room 865
Detroit, Michigan 48226
Telephone: (313) 226-4600
EEOC 800 # 1-800-669-4000
TDD (313) 226-7599**